

TO 23

EX

Paper No. 130
Disposes of
Paper No. 76

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al) ORDER,
- vs -) GRANTING PARAGRAPHS
ARAKI, SADA0; et al) NUMBER 1, 2, 4 AND 5; AND
) REFUSING PARAGRAPH NUMBER 3,
) OF THE MOTION OF THE
) PROSECUTION FOR THE
) PRODUCTION OF CERTAIN
) DOCUMENTS WITHOUT FURTHER
) AUTHENTICATION,, ETC..

This matter coming on to be heard by the Tribunal in open Court on 3 June 1946, upon the motion of the Prosecution for an order; (1) Authorizing separate opening statements; (2) For production of documents obtained from Japanese Government offices without further authentication; (3) That the Court take judicial notice of evidence in Schedule A; (4) That the Court take judicial notice of documents in Schedule B; (5) And that all exhibits be numbered consecutively. And

The Tribunal being fully advised in the premises, and it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: Granted, as to the 1st paragraph of said motion. Counsel representing the separate phases of the case shall be at liberty to make an opening statement at the commencement of that particular phase. And

ORDERED: Granted, as to the 2nd paragraph of said motion. The Prosecution is at liberty to produce in Court documents obtained from the Japanese Government offices, purporting to be records and files from such offices, without further

authentication. Each of the accused shall have the right to object to the admission of any document on the ground that it is immaterial or irrelevant, or on any other substantial ground. The admission of these documents will be in all cases subject to all just exceptions and objections. And

ORDERED: Refused, as to the 3rd paragraph of said motion. The Tribunal has decided to consider this matter at the time the question is raised in the ordinary course of the proceedings as to whether any event should be judicially noticed. And

ORDERED: Granted, as to the 4th paragraph of said motion, in that the Tribunal gives liberty to the Prosecution to produce the documents listed in Schedule B of the motion without formal proof thereof, but subject to all just exceptions involving the accuracy, relevancy and materiality of the documents. Subject to such exceptions at the trial, the Tribunal will not require proof of the authenticity of the documents and shall receive them in evidence. And

ORDERED: Granted, as to the 5th paragraph of said motion. Exhibits tendered in evidence by the Prosecution and the Defense shall be numbered consecutively according to the order of their production.

Dated at Tokyo, Japan, 4 June 1946.

BY THE TRIBUNAL:

W. F. WEBB
PRESIDENT

MEMBERS PRESENT:

Mr. Justice Webb, President of the Tribunal
Mr. Justice Northcroft
Lord Patrick
Mr. Justice Mei
Major General of Justice I. M. Zaryanov
Mr. Justice Higgins
Mr. Justice McDougall
Mr. Justice Bernard
Mr. Justice Roling
Mr. Justice Pal